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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,093	06/24/2003	Frank Winter	NG(ST)-6399	2533
7590	10/18/2004		EXAMINER	
Christopher P. Harris 1111 Leader Building 526 Superior Avenue Cleveland, OH 44114			NGUYEN, PATRICIA T	
			ART UNIT	PAPER NUMBER
				2817

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/606,093	WINTER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Patricia T Nguyen	2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 15-20 is/are allowed.
- 6) Claim(s) 1-3,7,8,12-14,21,22,24-26,28 and 29 is/are rejected.
- 7) Claim(s) 4-6,9-11,23 and 27 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/24/03 &amp; 8/26/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7, 8, 12, 13, 14, 21, 22, 24, 25, 26, 28, 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Budnik, U.S. Patent # 6,043,707 (provided by the applicants).

Fig. 8 of Budnik discloses an amplifier comprising: amplifier 6 can be read as a power amplifier; circuit 800 except amplifier 6 can be read as a mode selector (see spec. col. 3, lines 13-29, col. 4, lines 1-43).

Regarding claims 2, 3, 22, 25, 29 see spec. col. 4, lines 44-55.

Regarding claims 8, 24, 28, predistortion circuit 1 can be read as a predistortion component.

Regarding claim 12, feedback path through circuits down mix, 32, 51, 2, 35, 3, up mix can be read as a feedback path.

Regarding claims 13, 14, 26, although Budnik does not mention about using his amplifier for a transmitter, a base station, or for transmitting the amplified input signal to a receiver, these are just intended use for the amplifier circuit and does not carry any patentable weight.

Claims 1, 13, 14, 21, 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Midya et al., U.S. Patent # 6,141,541 (provided by the applicants).

Fig. 1 of Midya et al. discloses a circuit comprising: amplifier 106 can be read as a power amplifier; circuit 122 except amplifier 106 can be read as a mode selector.

Regarding claims 13, 14, 26, see spec. col. 3, lines 35-38.

***Allowable Subject Matter***

Claims 4-6, 9-11, 23, 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15-20 are allowed.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents # 6,392,484 B1, # 4,630,315, # 4,446,440 contain some limitations of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia T Nguyen whose telephone number is (703) 308-1927. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on 703-309-4940. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PTN  
September 30, 2004

*Patricia Nguyen*

**PATRICIA NGUYEN  
PRIMARY EXAMINER**